

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PHERRY ELDEN BAKER and
CONNIE BAKER

V.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR LONG
BEACH MORTGAGE LOAN TRUST
2006-11, ITS SUCCESSORS AND ASSIGNS

§
§
§
§
§
§
§
§

CASE NO. 4:11-CV-61
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 20, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Partial Motion to Dismiss filed by Defendant Deutsche Bank National Trust Company, as trustee for Long Beach Mortgage Loan Trust 2006-11 (Dkt. #13) should be granted.

The Court, having made a *de novo* review of Plaintiffs' response and objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that the Partial Motion to Dismiss filed by Defendant Deutsche Bank National Trust Company, as trustee for Long Beach Mortgage Loan Trust 2006-11 (Dkt. #13)

is **GRANTED** and Plaintiffs' claims for intentional infliction of emotional distress, negligence, and unjust enrichment are DISMISSED with prejudice.

It is SO ORDERED.

SIGNED this 15th day of November, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE